

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

GARY ALAN SIMMONS,

Plaintiff,

v.

Case No: 5:21-cv-47-GKS-PRL

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

THIS CAUSE comes before the Court upon Defendant's, the Commissioner of Social Security's (Commissioner), Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g), with Remand to the Defendant (Doc. 24).

Defendant's Motion specifies that

[u]pon remand, the Appeals Council will instruct the ALJ to obtain supplemental evidence from a vocational expert (VE), clarifying any conflicts between the testimony of the VE and the Dictionary of Occupational Titles, and articulating any such conflicts in the decision; to offer the claimant the opportunity for a hearing; to take any further action needed to complete the administrative record; and to issue a new decision.

The Court referred the Motion to the United States Magistrate Judge for a report and recommendation (Report and Recommendation).


On November 22, 2021, the United States Magistrate Judge issued a Report and Recommendation (Doc. 25), recommending that Defendant's Motion be granted, the Commissioner's decision be reversed and remanded, and judgment be entered in favor of Plaintiff.

After review and consideration of the Report and Recommendation, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Philip R. Lammens' Report and Recommendation (Doc. 25) is **APPROVED and ADOPTED** and is made part of this Order for all purposes, including appellate review.
2. Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g), with Remand to the Defendant (Doc. 24), is **GRANTED**.
3. The Commissioner's final decision is **REVERSED**, and the action is **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) for the reason stated by the Commissioner.

4. The Clerk of Court is **DIRECTED** to enter Judgment in favor of Plaintiff, Gary Alan Simmons, and against Defendant Commissioner, and **CLOSE** this case.

DONE AND ORDERED at Orlando, Florida, this 1 day of December, 2021.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record
Unrepresented Parties